

**DRAFT**

**SAFETY AND HEALTH CODES BOARD  
MEETING MINUTES  
TUESDAY, JUNE 26, 2007**

A regular meeting of the Safety and Health Codes Board was held in Courtroom A, State Corporation Commission, 1300 East Main Street, Richmond, Virginia. Board Chairman Roger Burkhart called the meeting to order at 10:00 a.m.

**BOARD MEMBERS PRESENT:** Mr. Roger Burkhart, Chairman  
Mr. Louis Cernak  
Mr. M. Frank Hartsoe  
Ms. Anna Jolly  
Mr. Rick Linker  
Ms. Milagro Rodriquez, Vice Chair  
Mr. Linwood Saunders  
Mr. Chuck Stiff, Secretary  
Dr. Khizar Wasti

**BOARD MEMBERS ABSENT:** Ms. Juanita Garcia  
Mr. Daryl Hines  
Mr. Satish Korpe  
Dr. James Mundy  
Mr. Danny Sutton

**STAFF PRESENT:** Mr. Ray Davenport, Labor and Industry, Commissioner  
Mr. Bill Burge, Assistant Commissioner  
Mr. Glenn Cox, Director of VOSH Programs  
Mr. Ronald Graham, Health Compliance Director  
Mr. Jay Withrow, Office of Legal Support Director  
Mr. John Crisanti, Office of Planning and Evaluation  
Manager  
Ms. Jennifer Wester, Director, Cooperative Programs  
Ms. Reba O'Connor, Regulatory Coordinator  
Ms. Trish Morrison, Ass't Dir., Registered Apprenticeship  
Ms. Regina Cobb, Agency Management Analyst SR

**OTHERS PRESENT:** Mrs. Anne Burkhart  
Ms. Donna Chandler, Court Reporter, Chandler & Halasz  
Ms. Sharon L. Weers Morales, Safety Engineer Senior,  
VDOT

## **ORDERING OF AGENDA**

Chairman Roger Burkhart called the meeting to order at 10:00 a.m. He then asked for a motion from the Board to approve the Agenda. Mr. Linwood Saunders made the motion to approve the Agenda, as submitted, and Mr. Chuck Stiff seconded the motion. The motion was carried by voice vote.

## **APPROVAL OF MINUTES**

Mr. Burkhart asked for a motion from the Board to approve the Minutes of the December 6, 2006 meeting. Mr. Frank Hartsoe made the motion and Ms. Milagro Rodriguez seconded it. The motion was carried unanimously by voice vote.

Next, Chairman Burkhart appointed Mr. Chuck Stiff as Board Secretary.

## **PUBLIC COMMENT**

Chairman Cernak opened the floor to comments from the public, however, no one had any comments.

## **OLD BUSINESS**

There was no old business for discussion.

## **NEW BUSINESS**

### ***16 VAC 25-90-1910.302 through 16 VAC 25-90-1910.308, Electrical Standard, Subpart S of Part 1910, §§1910.302 through 1910.308***

Mr. John Crisanti, Manager of the Office of Planning and Evaluation, requested on behalf of the Department of Labor and Industry, that the Safety and Health Codes Board consider for adoption federal OSHA's final rule for the Electrical Standard, Subpart S of Part 1910, §§1910.302 through 1910.308, with related amended standards for the following: §§1910.6, 1910.66, and 1910.399, as published in 72 FR 7135 on February 14, 2007, with a proposed effective date of December 15, 2007.

Mr. Crisanti summarized the changes to the revised standard by stating that federal OSHA revised and updated the provisions contained in §§1910.302 through 1910.308 of the existing Subpart S electrical installation standard because electrical hazards in the workplace pose a significant risk of injury or death to employees. He added that the requirements in the revised standard, which draw heavily from Part I of the 2000 edition of the National Fire Protection Association's (NFPA) Electrical Safety Requirements for Employee Workplaces (NFPA 70E), and the 2002 edition of the National Electrical Code (NEC), are reasonably necessary to provide protection from these hazards.

Mr. Crisanti stated that the update to Subpart S applies to electrical installations and equipment utilized in workplaces in general industry and in shipyard employment, longshoring, and marine terminals. He noted that this revision, the first update of the installation requirements in the general industry electrical installation standard since 1981, focuses on safety in the design and installation of electric equipment in the workplace and includes a new alternative method for classifying and installing equipment in Class I hazardous locations; new requirements for ground-fault circuit interrupters (GFCIs) and new provisions on wiring for carnivals and similar installations.

Mr. Crisanti added that federal OSHA also removed and reserved Appendices B and C of the current Subpart S for future use because they did not contain any material.

He listed the following sections which were also impacted by the revised final rule as follows:

- 1) §1910.6, Incorporation by reference;
- 2) §1910.66, paragraph (c)(22)(i) of Appendix D, Existing Installations (Mandatory); and
- 3) §1910.399, Definitions applicable to this subpart.

Mr. Crisanti discussed the background of the revised standard and explained that these revisions help ensure the safe installation of electric equipment and are prescribed by the requirements presently contained in 29 CFR Part 1910, Subpart S. He explained that this final rule updates those requirements to make them consistent with the latest editions of NFPA 70E. He stated that the revised final rule is important as it will provide an up-to-date uniform national minimum level of code requirements that will help to further reduce the number of deaths and injuries associated with electrical accidents across the U.S.

Mr. Crisanti informed the Board that no direct impact is anticipated on Virginia employers, employees or on the Department of Labor and Industry by the Board's adoption of the revised final rule as the 2002 NEC has been in effect in Virginia since October 2005. He stated that no economic impact would be realized under the provisions of the revised standard until such installations are replaced, repaired, and/or renovated and, thus, be required to follow the 2005 version of the Uniform Standard Building Code (USBC).

Mr. Crisanti explained that, with respect to benefits and costs, the updated standard should help reduce the number of deaths and injuries associated with electrical accidents. He stated that any remaining industry confusion and inefficiency associated with the current standard, which is out-of-date with today's technology, will also be reduced.

In conclusion, Mr. Crisanti recommended, on behalf of the staff of the Department of Labor and Industry, that the Board adopt the revised final rule to the Electrical Standard, Subpart S of Part 1910, §§1910.302 through 1910.308, with related amended standards for the following: §§1910.6, 1910.66, and 1910.399, as authorized by Virginia Code, §§40.1-22(5) and 2.2-4006.A.4(c), with an effective date of December 15, 2007.

Mr. Cernak moved to accept Mr. Crisanti's recommendation. Mr. Hartsoe seconded the motion which was adopted by unanimous voice vote.

***Periodic Review of Existing Regulations***

Ms. Reba O'Connor, Regulatory Coordinator for the Department of Labor and Industry, explained that Governor Kaine issued Executive Order Number 36 (06), "Development and Review of Regulations Proposed by State Agencies" which governs the periodic review or reevaluation of existing regulations and the regulatory process to promulgate new regulations or amend current regulations. She explained the periodic review process and informed the Board that all regulations promulgated by the Board are included in this review process at least once every four years.

She stated that one regulation, 16 VAC 25-10, Public Participation Guidelines, has been identified for review in 2007, and that a notice of periodic review will be published in the Virginia Register on Monday, July 23, 2007. She added that the notice will request public comment for a period from July 23<sup>rd</sup> through August 14, 2007.

Ms. O'Connor explained that Department staff will review this regulation and prepare the reports with recommendations to be presented for approval at the next board meeting. In conclusion, Ms. O'Connor requested Board approval so that the Department could proceed with this required periodic review.

Ms. Rodriguez motioned to accept Ms. O'Connor's request and Mr. Saunders seconded the motion which was approved by unanimous voice vote.

***Items of Interest from the Department of Labor and Industry***

There were no items of interest from the Department.

***Items of Interest from Members of the Board***

There were no items of interest from the Board.

***Adjournment***

There being no further business to come before the Board, Chairman Burkhart requested a motion for adjournment. Mr. Saunders made the motion which was seconded by Mr. Hartsoe. The meeting was adjourned at 10:14 a.m.